

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

VERNON L. COLLINS,

Plaintiff,

v.

CASE NO. 3:17-CV-920-MGG

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

OPINION AND ORDER

On July 18, 2020, Plaintiff's attorney, Ann M. Trzynka ("the Petitioner"), filed her Motion for Authorization of Attorney Fees Pursuant to [42 U.S.C. Section 406\(b\)](#). An adverse party shall have fourteen days after service of a motion in which to serve and file a response. N.D. Ind. L.R. 7-1(d)(3)(A). Failure to file a response within the time prescribed may subject the motion to summary ruling. N.D. Ind. L.R. 7-1(d)(5). As of this date, the Commissioner has neither responded to the Petitioner's motion nor provided any explanation for the inaction. Consequently, this Court can only assume that the Petitioner's motion is unopposed.

The Court has jurisdiction over this fee petition pursuant to [42 U.S.C. § 406\(b\)](#) as the Court remanded this case for further proceedings on March 27, 2019.¹ Since then, Plaintiff prevailed on remand when the Administrative Law Judge issued a favorable decision on June 29, 2020. The Commissioner awarded past-due disability benefits in

¹ The undersigned entered the March 2019 ruling in Plaintiff's case based upon the parties' consent under [28 U.S.C. § 636\(c\)](#). See also [42 U.S.C. § 405\(g\)](#). [DE 15].

the amount of \$75,764.60 to Plaintiff and past-due benefits in the amount of \$8,660.00 to Plaintiff's dependent child for a family total of \$84,424.60. Of this amount, \$21,106.15 represents 25% of the past-due benefits. The Petitioner was previously awarded compensation in the amount of \$8,723.40 under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, for 43.4 hours of legal services before this Court on Plaintiff's behalf.² Thus, the Petitioner requests an award of \$12,382.75.

Section 206(b)(1) of the Social Security Act permits a court to award up to 25% of past due benefits to which the claimant is entitled by reason of a judgment rendered in favor of the claimant. *See* 42 U.S.C. § 406(b)(1). Plaintiff agreed to pay counsel Ann M. Trzynka 25% of all past due benefits awarded to Plaintiff. [DE 32].

Having reviewed the Petitioner's instant motion, noting the lack of objection, and finding the fee reasonable for the hours of legal work spent consistent with *Gisbrecht v. Barnhart*, 535 U.S. 789, 809 (2002), the Court hereby **GRANTS** the instant Motion [DE 31] and **AWARDS** Plaintiff's counsel \$12,382.75 in attorney fees pursuant to Section 206(b)(1) of the Social Security Act. The Court further **ORDERS** that payment by the Commissioner in the amount of \$12,382.75 be made directly to counsel Ann M. Trzynka in accordance with the fee agreement signed by Plaintiff.

SO ORDERED this 4th day of August 2020.

s/Michael G. Gotsch, Sr.
Michael G. Gotsch, Sr.
United States Magistrate Judge

² The Petitioner has also already received \$6,000.00 for representing Plaintiff at the administrative level.